

ATTORNEY'S DOCKET NUMBER: 2003080-0142 (SK 893-B-US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------|---|-----------|----------------|
| Applicant: | Danishefsky <i>et al.</i> | Examiner: | Canella, K. A. |
| Serial No.: | 10/728,041 | Art Unit: | 1643 |
| Filed: | December 3, 2003 | | |
| For: | CLUSTERED MULTI-ANTIGENIC CARBOHYDRATE CONSTRUCTS, METHODS FOR THEIR PREPARATIONS AND USES THEREOF | | |

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Madam:

TERMINAL DISCLAIMER

I, C. Hunter Baker, represent that I am an attorney and am empowered to act on behalf of Sloan-Kettering Institute for Cancer Research. Sloan-Kettering Institute for Cancer Research is the assignee of record, Recordation of Assignment, Reel Number **015467**, Frame **0869**, of the entire right, title, and interest in and to the invention in the subject application. Sloan-Kettering Institute for Cancer Research is also the assignee of record of U.S. Application Serial No. 09/641,742, Recordation of Assignment, Reel Number **011438**, Frame **0589**; and U.S. Application Serial No. 10/209,618, Recordation of Assignment, Reel Number **016585**, Frame **0532**. Pursuant to 37 CFR § 3.73(b), I have reviewed all the recordation information above or all documents in the chain of title of the subject patent application and, to the best of my knowledge and belief, title is in the assignee identified above.

On behalf of Sloan-Kettering Institute for Cancer Research, I hereby disclaim, except as otherwise provided herein, the terminal part of any patent granted on the subject application which would extend beyond the expiration date of the full statutory term, including extensions thereof of any patent granted on U.S. Application Serial Nos. 09/641,742 and 10/209,618, except to the extent that the term of this application No. 10/728,041 might be extended pursuant to the Drug Price Competition and Patent Term Restoration Act of 1984 (35 USC § 156) or any other applicable act of Congress, and hereby agree that any patent so granted on the subject application shall be enforceable only for and during such period that said patent and any patent granted on U.S. Application Serial Nos. 09/641,742 and 10/209,618 are commonly owned.

This agreement runs with any patent granted on the subject application and is binding upon the grantee, its successors or assigns.

Sloan-Kettering Institute for Cancer Research, does not disclaim any terminal part of any patent granted on the subject application prior to the expiration date of the full statutory term of any patent granted on U.S. Application Serial Nos. 09/641,742 and 10/209,618 in the event that such patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321(a); has all claims cancelled by a reexamination certificate; is reissued; or is otherwise terminated prior to the expiration of its statutory term, except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Pursuant to 37 CFR § 1.20(d), a payment of \$70.00 dollars has been provided using the USPTO's Electronic Filing System's credit card payment option. Petitioner hereby authorizes payment of any additional charge or credit of overpayment of the same by charging Deposit Account No. 03-1721.

/C. Hunter Baker/
C. Hunter Baker, MD, PhD, JD
Registration Number: 46,533

Choate, Hall & Stewart LLP
Two International Place
Boston, MA 02110
t (617) 248-5215
f (617) 502-5002
chb@choate.com
Date: March 24, 2009